IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 5774 OF 2004
ALONGWITH
CRIMINAL APPLICATION NO. 5775 OF 2004
ALONGWITH
CRIMINAL APPLICATION NO. 5776 OF 2004
ALONGWITH
CRIMINAL APPLICATION NO. 5777 OF 2004
ALONGWITH
CRIMINAL APPLICATION NO. 5778 OF 2004
ALONGWITH
CRIMINAL APPLICATION NO. 5779 OF 2004
ALONGWITH
CRIMINAL APPLICATION NO. 5780 OF 2004

M/s. Vijay Transport Corporation
and another ...Applicants

Versus

M/s. Mafatlal Finance Co. Ltd.
and another ...Respondents

.....

Mr. Subodh Desai, Advocate for Applicants.

Mr. S.V. Marwadi i/b M/s. R.R.Associates, Advocate for Respondent No.1.

Mr.V.B.Konde Deshmukh, APP. in Applns. 5774 & 5775/04
Mr.B.H. Mehta, APP. in Applns.5776 & 5777/04
Ms. S.V. Gajare, APP. in Appln.No.5778/04
Mr. Rajesh More, APP. in Appln.No. 5779/04
Mr. R.S.Khadapkar, APP. in Appln.No. 5780/04

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CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 5TH OCTOBER, 2005

P. C.:-

1. Heard the learned advocate for the applicants i.e. original accused, the learned advocate for the respondent No.1 i.e. original complainant and the

learned A.P.P. for the State.

2. The applicants have prayed for quashing of process issued against them in Criminal Case Nos.497/S/2002, 502/S/2002, 4053/S/2002, 4054/S/2002, 4055/S/2002, 4056/S/2002 and 4057/S/2002 which are pending in the Court of learned Metropolitan Magistrate, 7th Court, at Bhoiwada, Dadar, Mumbai. In the said case, process has been issued against the applicants under Section 138 r.w. 141 of Negotiable Instruments Act.

3. For the reasons recorded in the decision of this Court in the case of **V.K. Jain & Ors. Vs. Pratap Vs. Padode and Anr, reported in 2005(3) Mh.L.J. 778,** in my opinion, the applicants have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the applicants prefer revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicants to prefer revision before the concerned Sessions Court. The learned advocate for the applicants states that the necessary revision would be preferred within a period of six weeks from today. In view of this statement, the trial Court shall not proceed with the trial for

a period of six weeks from today. The learned advocate for the respondent No.1 i.e. original complainant fairly states that no objection would be raised in respect of delay in filing revision before the learned Sessions Judge. The learned advocate for the applicants states that he will give four days advance notice in respect of filing revision before the Sessions Court to the respondent No.1 i.e. original complainant.

5. On the necessary revision being preferred by the applicants before the concerned Sessions Court, the concerned Sessions Court shall dispose of the same on merits after hearing necessary parties.

6. Applications are disposed of.

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